

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23398 OF 2005

DATED:31.10.2005

Between:

B.Srinivas Reddy

...Petitioner

And

Gram Panchayat, Jedcherla (Kaverampet)

Represented by the Panchayat Secretary

Jedcherla Mandal Proper,

Mahabubnagar District

...Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23398 OF 2005

ORDER:

The petitioner is a resident of Jedcherla Village. He claims to be the owner of land admeasuring Ac.0.09 gts. in S.No.482 of the said Village. In the said land petitioner and his brothers constructed a house about ten years ago and also a compound wall. When the compound wall allegedly got damaged, they reconstructed the same with cement bricks. The Chairman of the Edga Committee, Jedcherla (Kaverampet) complained the Gram Panchayat alleging that the petitioner encroached upon the road on the northern side of industrial area which is passage way to go to Edga. The said complaint was considered by the Gram Panchayat. By resolution dt.3.10.2005 all the members of the Gram Panchayat raised objections about such construction made by the petitioner. Therefore, on 19.10.2005 the Gram Panchayat issued

impugned notice calling upon the petitioner to remove the compound wall within seven days. The said notice is assailed in the Writ Petition.

Learned counsel for the petitioner, Sri J.Suresh Babu strenuously contends that the petitioner and his brothers are owners of the land in S.No.482 and therefore the Gram Panchayat cannot claim said land as forming part of the passage way to Ediga. He has also placed photographs before this Court in support of his contention that the new compound wall is constructed around the house, which is already given a panchayat number. **Per contra**, learned Standing Counsel, Sri R. Prem Sagar, opposing the Writ Petition submits that the Gram Panchayat passed resolution after verifying all the documents and came to the conclusion that the petitioner constructed compound wall in the passage way and accordingly action was taken under Section 98 of the A.P.Panchayat Raj Act, 1994 (for short, the Act).

There is a dispute whether the petitioner made construction in the land which forms part of the passage way on the northern side of industrial area, which is the only passage way to go to Ediga. This dispute cannot be decided by this Court, notwithstanding the effort of the learned counsel for the petitioner to produce evidence by way of certified copies of pahanies. The petitioner has to seek remedy elsewhere. Insofar as the impugned order is concerned, under Section 128(2) of the Act, against every order passed by the Gram Panchayat, appeal would lie to the District Panchayat Officer as per G.O.Ms.No.139, dt.18.4.2000. The petitioner has not availed the same. Therefore, the petitioner is given liberty to file appeal. As and when such appeal is filed, the appellate authority may consider the matter after giving notice to the Gram Panchayat and pass appropriate orders in the matter. In this Writ Petition, no relief can be granted to the petitioner.

The Writ Petition with the above observations is accordingly dismissed.

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(V.V.S.RAO, J)

31.10.2005

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